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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/036,710

12/21/2001

Jon Strong

P00723/70048 JNA

6493

7590

10/11/2006

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EXAMINER

SAM, PHIRIN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/036,710

Applicant(s)

STRONG ET AL.

Examiner

Phirin Sam

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-73,84-87,97-167 and 178-181 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

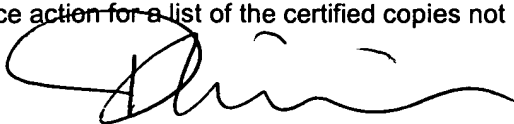
## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM  
PRIMARY EXAMINER

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims rejected are 1-7, 14-16, 19, 24-26, 42-44, 46-51, 59, 60, 72, 84-86, 97-103, 109-111, 113, 114, 119, 123, 132, 137-139, 141-146, 153, 154, 167 and 178-180.

Continuation of Disposition of Claims: Claims objected to are 8-13, 17-23, 27-41, 45, 52-58, 61-71, 73-87, 99, 104-108, 112, 115-118, 121, 122, 124-136, 140, 147-152, 155-166 and 181.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 14-16, 19, 24-26, 42-44, 46-50, 97-103, 109-111, 113, 114, 119, 123, 132, 137-139, and 141-145 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2002/0171534 (hereinafter referred as “Ashwin”).

**Regarding claims 1-3,** Ashwin discloses a method for controlling operations of a wireless communication system and a wireless tag identification system having at least partially overlapping coverage areas, comprising:

(a) providing a wireless communication system having at least two wireless communication devices adapted to communicate by wireless signals (see Fig. 1, elements 12 and 26, paragraphs [0039], [0044]);

(b) providing a wireless tag identification system adapted to communicate by wireless signals with at least one tag associated with an asset (see Fig. 1, paragraphs [0044], [0045], [0047]);

(c) controlling the wireless signals produced by the wireless tag identification system to minimize interference of the wireless signals with wireless communication of the wireless communication system (see Fig. 1, paragraph [0041]).

**Regarding claims 4, 6, and 7,** Ashwin discloses the step of providing a wireless communication system comprises:

- (a) providing a wireless local area network (WLAN) (see Fig. 1, paragraph [0036], wherein tag identification system is fixed or maybe a portable tag as mentioned in paragraph [0036]).

**Regarding claim 5,** Ashwin discloses wherein the step of providing a wireless tag identification system comprises:

- (a) providing a wireless tag identification system that includes at least one tag sensor that is physically separate from fixed communication devices in the wireless communication system (see Fig. 1, paragraph [0030]).

**Regarding claims 14 and 24-26,** Ashwin discloses the step of controlling the wireless signals comprises:

- (a) controlling a length of time during which wireless signals are permitted to be produced by the wireless tag identification system based on received signals from the at least one tag (see Fig. 1, paragraph [0041]).

**Regarding claims 15, 16, and 19,** Ashwin discloses the step of controlling the wireless signals comprises:

- (a) controlling a duty cycle for at least one tag sensor in the wireless tag identification system based on received signals from the at least one tag (see Fig. 1, paragraphs [0013], [0024]).

**Regarding claims 42 and 46-50,** Ashwin discloses sending a signal between the wireless tag identification system and the wireless communication system that indicates a control of the

timing at which wireless signals are permitted to be produced by the wireless tag identification system (see Fig. 1, paragraph [0041]).

**Regarding claims 43 and 44,** Ashwin discloses sending a signal from the wireless communication system to the wireless tag identification system that indicates when the wireless tag identification system is permitted to transmit wireless signals (see Fig. 1, paragraphs [0042], [0043]).

**Regarding claims 97, 101-103, and 144-145,** Ashwin discloses a wireless tag identification system, comprising:

- (a) a plurality of tags each associated with an asset (see Fig. 1, paragraphs [0024], [0039]);
- (b) at least one tag sensor adapted to communicate by wireless signals with at least one tag, the at least one tag sensor having a coverage area within which the tag sensor can communicate with tags (see Fig. 1, paragraphs [0030], [0034]);
- (c) means for controlling wireless signals produced by the at least one tag sensor to minimize interference of the wireless signals with wireless communication of a wireless communication system taking place within the coverage area of the at least one tag sensor (see Fig. 1, paragraph [0041]).

**Regarding claims 98, 109, 111, 113-114, 119, 137-139, and 141-143,** Ashwin discloses the means for controlling the wireless signals adjusts a timing at which wireless signals are produced by the wireless tag identification system (see Fig. 1, paragraph [0041]).

**Regarding claim 100, 110, 123, and 132,** Ashwin discloses the means for controlling the wireless signals sets a duty cycle used to control when wireless signals are permitted to be produced by the wireless tag identification system to minimize interference of the wireless

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signals with wireless communication of the wireless communication system (see Fig. 1, paragraphs [0040], [0041]).

3. Claims 51, 59, 60, 72, 84-86, 146, 153, 154, 167, and 178-180 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,353,406 (hereinafter referred as "Lanzl").

**Regarding claim 51, 59, 60, 84-86, 146, 153, 154, 167, and 178-180, Lanzl discloses a method for identifying tags comprising:**

- (a) providing at least one tag adapted to transmit a wireless signal (see Figs. 1 and 3, col. 4, lines 66-67 and col. 5, lines 1-16);
- (b) providing a wireless tag identification system adapted to receive a wireless signal from the at least one tag and identify the tag (see Figs. 1 and 3, col. 5, lines 11-26);
- (c) using a first technique to determine the likelihood that the tag is within acceptable communication range (see Fig. 15b, col. 20, lines 48-67);
- (d) using a second technique to collect data from the tag if the tag is determined likely to be within an acceptable communication range (see Fig. 15b, col. 20, lines 48-67).

**Regarding claim 72, Lanzl discloses the step of using a first technique comprises:**

- (a) determining if a signal received from a tag is above a threshold (see Fig. 20, col. 28, lines 54-64);
- (b) the step of using second technique is performed if the signal is above the threshold (see Fig. 20, col. 28, lines 54-64).

***Allowable Subject Matter***

4. Claims 8-13, 17-23, 27-41, 45, 52-58, 61-71, 73-87, 99, 104-108, 112, 115-118, 121, 122, 124-136, 140, 147-152, 155-166, and 181 are objected to as being dependent upon a rejected

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base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

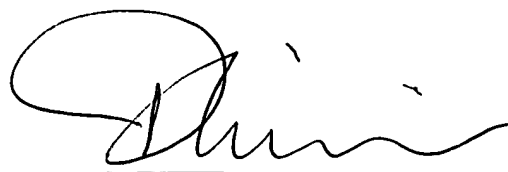
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: October 6, 2006

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM  
PRIMARY EXAMINER**